

**Livoti, Bernstein & Moraco, P.C.**  
**% Robert F Moraco**  
**33 Gordon Avenue**  
**Bedford NY 10506**

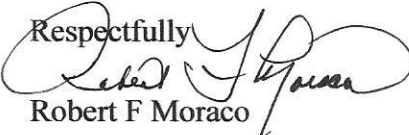
July 12, 2021

United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street (Room 1320)  
New York, NY 10007  
Attention United States District Judge John P. Cronon

Re Patrick B. Dunbar vs. Empire Szechuan Noodle & New Gold Equities Corp.  
New Gold Equities Corp. vs Cafe Prime & Buffet Inc.  
18-CV-09625

Dear Judge:

I am of counsel to Donald Olenick, the attorney for the defendant New Gold Equities Corp and write this letter to express our consent to Plaintiff's application. I respectfully submit an order of dismissal for your signature.

Respectfully  
  
Robert F Moraco

cc: SEKENDIZ LAW FIRM P.C. In light of the parties' agreement to dismiss this case, *see* Dkts. 98, 99, Plaintiff's ADA claim is dismissed with prejudice, Plaintiff's remaining state law claims are dismissed without prejudice, and the Third Party Complaint is dismissed without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. The Clerk of the Court is respectfully directed to terminate all motions and close this case.

Ismail S. Sekendiz, Esq.  
Attorney for Plaintiff  
45 Broadway Suite: 1420  
New York, New York 10006  
(212) 380-8087  
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SO ORDERED.

Date: July 12, 2021  
New York, New York

  
JOHN P. CRONAN  
United States District Judge

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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KIRKPATRICK B. DUNBAR,

Plaintiff

-against-

EMPIRE SZECHUAN NOODLE HOUSE  
INC., and NEW GOLD EQUITIES CORP.,

Defendants

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NEW GOLD EQUITIES CORP.,

Third Party Plaintiff

-against-

CAFE PRIME & BUFFET INC.,

Third Party Defendant

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Case No.:1:18-CV-9625

United States District Judge John P. Cronon

**ORDER OF DISMISSAL**

Upon Plaintiff's concession that the premises operated at 4041 Broadway in the Borough of Manhattan is now ADA compliant to the maximum extent feasible, that the federal action is moot and that the Court should not retain jurisdiction over the state action, it is

ORDERED that the federal action pursuant to the Americans with Disabilities Act, 42 U.S.C. 12181, et seq., is dismissed with prejudice, the state action pursuant to the New York City Human Rights Law , NYC Admin. Code 8-107(4)(a) and New York State Human Rights Law, NYS Exec. Law 296(2(a) and the Third Party Complaint are dismissed without prejudice.

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John P. Cronon, USDJ